

MEMORANDUM

MAY 16, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
LAUREN WILLIAMS, PROJECT MANAGER

SUBJECT: SCHEDULING OF A PUBLIC HEARING FOR THE FIRST
AMENDMENT TO THE DEVELOPMENT PLAN FOR SECOND
AMENDED AND RESTATED 49, 51 AND 63 MELCHER STREET,
WITHIN PLANNED DEVELOPMENT AREA NO. 69, SOUTH BOSTON/
THE 100 ACRES AND FOR THE SECOND AMENDMENT TO MASTER
PLAN FOR PLANNED DEVELOPMENT AREA NO. 69, SOUTH
BOSTON/THE 100 ACRES.

SUMMARY: This Memorandum requests authorization for the Secretary to schedule and advertise a public hearing, pursuant to Section 80C-5.4 of the Boston Zoning Code (the "Code"), to be held on June 13, 2013 at 6:15 p.m., or at such a time and date deemed appropriate by the Director, regarding: (i) The First Amendment to the Second Amended and Restated Development Plan for 49, 51 and 63 Melcher Street (the "First Amendment to Development Plan") within Planned Development Area No. 69, South Boston/100 Acres; and (ii) the Second Amendment to the Master Plan for Planned Development Area No. 69, South Boston/The 100 Acres (the "Second Master Plan Amendment").

PROPONENT AND PROJECT SITE

The proponent of the Proposed Project is Melcher Street Holdings LLC, a Massachusetts limited liability company controlled by Synergy Development, LLC (the "Proponent"). 49, 51-61 and 63 Melcher Street are three contiguous parcels, each improved with its own existing building (the "Existing Buildings") located within a single city block of approximately 0.68 acres (29,219 square feet) (the "Site"). The Proponent owns 51-61 Melcher Street ("51 Melcher Street"). 59 Melcher Street, LLC, a Massachusetts limited liability company ("49 Melcher Street, LLC"), owns 49 Melcher Street, and 63 Melcher, LLC an Oregon limited liability company controlled by Gerding Edlen Fund Management, LLC ("Gerding Edlen") owns 63 Melcher Street. The Site is bordered by Melcher Street to the north, A Street to the east, Necco Court to the south, and Necco Street to the west. Necco Court and Necco Street are private ways

open to public travel, and owned by W2005 BWH II Realty LLC, a Delaware limited liability company controlled by Archon Group, LP ("W2005 II").

The Site is identified as Parcel A4 in the Master Plan for Planned Development Area ("PDA") No. 69, South Boston/The 100 Acres, as amended by the First Amendment effective July 12, 2012 (the "PDA Master Plan"). According to Table 2 of the PDA Master Plan, the Existing Buildings have a combined total of approximately 173,000 square feet of gross floor area: 35,000 square feet at 49 Melcher Street; 99,000 square feet at 51 Melcher Street; and 28,725 square feet at 63 Melcher Street.

ORIGINAL PROJECT

On February 11, 2008, W2005 II, which then owned the entire Site, submitted a Project Notification Form ("PNF") for the project. As proposed in the PNF, the project involved the rehabilitation and expansion of the Existing Buildings into a single integrated office building with first level retail/service space and additional gross floor area ("GFA") (the "Original Project"). On December 4, 2008, the Boston Redevelopment Authority (the "BRA") approved a PDA Development Plan for the Original Project, entitled Development Plan for 49, 51 and 63 Melcher Street within Development Plan No. 69, The 100 Acres (the "Original Development Plan"). On February 4, 2009, the Zoning Commission of the City of Boston (the "Zoning Commission") approved the Original Development Plan, which became effective on February 5, 2009. On December 19, 2008, the Director of the BRA issued a Scoping Determination Waiving Further Review of the Original Project pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the "Code").

FIRST REVISED PROJECT

On January 3, 2011, W2005 II filed a Notice of Project Change (the "First NPC") as well as a First Amended and Restated Development Plan (the "First Amended Development Plan") to allow certain changes to the Original Project (the "First Revised Project"). On April 14, 2011, the BRA approved the First Amended Development Plan, which the Zoning Commission approved on April 4, 2011, and became effective on May 6, 2011. On May 11, 2011, the BRA Director issued a Determination Waiving Further Review of the First Revised Project, finding that the First NPC did not significantly increase the impacts of the Original Project, and waiving further review of the First Revised Project, subject to continuing design review by the BRA (the "Second Determination").

SECOND REVISED PROJECT

On December 9, 2011, with the consent of the Proponent, which then owned 51 Melcher Street, and of Gerding Edlen, which then owned 63 Melcher Street, W2005 II filed a second Notice of Project Change (the "Second NPC") as well as a Second Amended and Restated Development Plan (the "Second Amended Development Plan") to allow certain changes to the Second Revised Project, including separate operation of the Existing Buildings, and the elimination of all additional GFA (the "Second Revised

Project"). The Second Amended Project had three phases: "Phase I" at 63 Melcher; "Phase II" at 51 Melcher Street; and "Phase III" at 49 Melcher Street. On February 16, 2012, the BRA approved the Second Amended Development Plan, which the Zoning Commission approved on March 14, 2012, and which became effective the same day. On March 27, 2012, the BRA Director issued a Determination Waiving Further Review of the Second Revised Project, finding that the Second NPC did not significantly increase the impacts of the Original Project, and waiving further review of the Second Revised Project, subject to continuing design review by the BRA (the "Third Determination").

THIRD REVISED PROJECT

The sole change from the Second Revised Project made by the Third Revised Project is to acknowledge approximately 8,736 square feet of existing GFA in the basement of the existing building of 51 Melcher Street, which is owned and is being rehabilitated by the Proponent. There are no changes to either Phase I at 63 Melcher Street which is still owned by Gerding Edlen, or Phase II at 49 Melcher Street, which is now owned by 49 Melcher Street, LLC. The physical appearance of the entire Project as visible to the public is entirely unchanged.

DEVELOPMENT TEAM

The development team consists of:

Proponent: Melcher Street Holdings LLC

Legal Consultants: Dalton & Finegold, LLO

RECOMMENDATION

Based on the foregoing, BRA staff recommends that, pursuant to Section 80C of the Code, the Secretary be authorized to advertise a public hearing regarding: (i) the First Amendment to Development Plan; and (ii) the Second Master Plan Amendment.

An appropriate vote follows:

VOTED: That the Secretary be, and hereby is, authorized to advertise, pursuant to Section 80C of the Boston Zoning Code, a public hearing before the Boston Redevelopment Authority to be held on June 13, 2013 at 6:15 p.m., or at such a time and date deemed appropriate by the Director, regarding: (i) The First Amendment to the Second Amended and Restated Development Plan for 49, 51 and 63 Melcher Street (the "First Amendment to Development Plan") within Planned Development Area No. 69, South Boston/100 Acres; and (ii) the Second Amendment to the Master Plan for

Planned Development Area No. 69, South Boston/The 100 Acres (the
“Second Master Plan Amendment”).